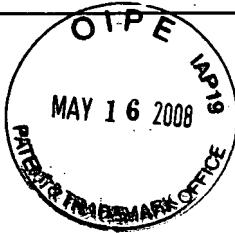


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May 16, 2008

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Application No. 09/404,520
Filed: September 23, 1999
Title: *Emericella Nidulans* Genome Sequence on Computer
Readable Medium and Uses Thereof
Applicants: Yongwei CAO *et al.*
Attorney Docket No.: 16517.081

Sir:

The following document is forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Request to Temporarily Suspend Consideration of Request for Rehearing of Appeal 2007-4453.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Appellants do not believe any fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387 referencing matter number 16517.081.

Respectfully submitted,

Three handwritten signatures stacked vertically. From top to bottom: "D.R. Marsh", "Leslie L. Jacobs, Jr.", and "Lisa A. Adelson".

David R. Marsh (Reg. No. 41,408)
Leslie L. Jacobs, Jr. (Reg. No. 40,659)
Lisa A. Adelson (Reg. No. 51,204)

Enclosure



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of:

Yongwei CAO *et al.*

Appln. No.: 09/404,520

Filed: September 23, 1999

Confirmation No.: 8452

Art Unit: 1631

Examiner: R.S. Negin

Atty. Docket: 16517.081

For: ***Emericella Nidulans* Genome Sequence on Computer Readable Medium and
Uses Thereof**

**REQUEST TO TEMPORARILY SUSPEND CONSIDERATION OF
REQUEST FOR REHEARING OF APPEAL 2007-4453**

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is a Request to Temporarily Suspend Consideration of Appellants' March 31, 2008 Request for Rehearing of the January 31, 2008 Decision by the Board of Patent Appeals and Interferences on Appeal Number 2007-4453.

Appellants respectfully submit that one or more issues presently under consideration by an *en banc* Federal Circuit in *In re Bilski* (Docket Number 2007-1130) may affect the law in areas related to Appellants' March 31 Request for Rehearing in the above-noted Appeal. As such, in an effort to foster judicial economy and maximum efficiency, Appellants respectfully request that their outstanding Request for Rehearing be suspended for six (6) months.

CONCLUSION

In view of the foregoing, it is respectfully requested that the Board of Patent Appeals and Interferences suspend consideration of Appellants' March 31, 2008 Request for Rehearing for six (6) months.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)
Leslie L. Jacobs, Jr. (Reg. No. 40,659)
Lisa A. Adelson (Reg. No. 51,204)

Filed: May 16, 2008

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